IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.621 OF 2003

Mr.M.A. Utgikar for the Petitioner.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 8TH JUNE,2005

P.C.:

By the order impugned in the petition condonation of 30 days delay in making an application for setting aside the exparte decree passed in the suit is challenged. Condonation of delay is in the discretion of the Court. The court in exercise of that discretion has condoned the delay. The result is that the application for setting aside the exparte decree will have to be heard on merits. In my opinion, therefore, the order

impugned does not result in any failure of justice. On the contrary it advances justice. Petition, under Article 227 of the Constitution of India therefore cannot be entertained. It is rejected.

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